



LODI CITY COUNCIL

Carnegie Forum

305 West Pine Street, Lodi

AGENDA - REGULAR MEETING

Date: July 7, 2004

Time: Closed Session 5:30 p.m.
Regular Meeting 7:00 p.m.

For information regarding this Agenda please contact:

Susan J. Blackston

City Clerk

Telephone: (209) 333-6702

NOTE: All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 24 hours prior to the meeting date.

C-1 Call to Order / Roll Call

C-2 Announcement of Closed Session

- a) Conference with labor negotiator regarding Maintenance and Operators; pursuant to Government Code §54957.6
- b) Actual litigation: Government Code §54956.9(a); one case; People of the State of California; and the City of Lodi, California v. M & P Investments, et al.; United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM
- c) Actual litigation: Government Code §54956.9(a); one case; Hartford Accident and Indemnity Company, et al. v. City of Lodi, et al., Superior Court, County of San Francisco, Case No. 323658
- d) Conference with legal counsel – initiation of litigation: Government Code §54956.9(c); two cases
- e) Conference with legal counsel – anticipated litigation – significant exposure to litigation pursuant to subdivision (b) of Section 54956.9; one case; pursuant to Government Code §54956.9(b)(3)(A) facts, due to not being known to potential plaintiffs, shall not be disclosed
- f) Actual litigation: Government Code §54956.9(a); one case; City of Lodi, a California Municipal Corporation, and Lodi Financing Corporation, a California nonprofit corporation v. Lehman Brothers, Inc. and US Bank National Association, United States District Court, Eastern District of California, Case No. CIV. S-04-0606 MCE-KJM
- g) Actual litigation: Government Code §54956.9(a); one case; Lehman Brothers Inc., v. City of Lodi and Lodi Financing Corporation, United States District Court, Eastern District of California Case No. CIV-S-04-0850 FCD/JFM
- h) Actual litigation: Government Code §54956.9(a); one case; Fireman's Fund Insurance Company v. City of Lodi, et al., United States District Court, Eastern District of California Case No. CIV-S-98-1489 FCD JFM

C-3 Adjourn to Closed Session

NOTE: THE FOLLOWING ITEMS WILL COMMENCE NO SOONER THAN 7:00 P.M.

C-4 Return to Open Session / Disclosure of Action

A. Call to Order / Roll call

B. Invocation – Father Rick Matters, St. John the Baptist Episcopal Church

C. Pledge of Allegiance

D. Presentations

D-1 Awards – None

D-2 Proclamations

- a) Parks and Recreation Month (PR)

D-3 Presentations

- a) Presentation honoring Samir Barbaw, retiring adult advisor on the Greater Lodi Area Youth Commission, for his years of service (COM)
- b) Presentation by Assemblymember Alan Nakanishi to Police Chief Adams for being named California Police Officer's Association (CPOA) President for 2004-05 (CM)
- c) Presentation of the Lodi Electronic Waste Clean-up Day (EUD)

E. Consent Calendar (Reading; comments by the public; Council action)

E-1 Receive Register of Claims in the amount of \$3,551,692.59 (FIN)

E-2 Approve minutes (CLK)

- a) May 19, 2004 (Regular Meeting)
- b) June 2, 2004 (Regular Meeting)
- c) June 8, 2004 (Shirtsleeve Session)
- d) June 8, 2004 (Special Meeting)
- e) June 11, 2004 (Adjourned Special Meeting)

Res. E-3 Adopt resolution authorizing the purchase of JWalk software for use with Orcom ECIS System from Alliance Data Systems Corp., of Dallas, Texas (\$11,000) (ISD / EUD)

Res. E-4 Adopt resolution awarding the contract for installation of streetlights on Streetlight Completion Project Phase IV to Golden State Utility Company, of Turlock (\$746,528.10) (EUD)

Res. E-5 Adopt resolution awarding the contract for rental and cleaning of safety clothing for the Electric Utility Department (\$7,774) (EUD)

E-6 Accept improvements under contract for Lodi Parks and Recreation Lighting Retrofit Project, 111 North Stockton Street (PR)

E-7 Accept improvements under contract for English Oaks Common Park Shade Structure, 2184 Newbury Circle (PR)

E-8 Accept improvements under contract for Emerson Park Playground Improvements, 11 North Hutchins Street (PW)

Res. E-9 Adopt resolution accepting improvements in Hutchins Place, Tract No. 3258 (PW)

Res. E-10 Adopt resolution approving the Improvement Agreement and Water Rights Agreement for 847 North Cluff Avenue (PW)

E-11 Approve Improvement Deferral Agreement for 1400 Victor Road (PW)

E-12 Approve Improvement Agreement for Public Improvements of 715 South Guild Avenue (APN 049-250-68) and appropriate funds (\$2,440) (PW)

Res. E-13 Adopt resolution authorizing the City Manager to execute amendments to the current Measure K Environmental and Design and Construction Cooperative Agreements for the Lodi Central City Railroad Safety Project (PW)

Res. E-14 Adopt resolution authorizing the City Manager to execute Federal Transit Administration Funding Agreement between the City of Lodi and the City of Galt for federal fiscal year 2002-03 (PW)

Res. E-15 Adopt resolution for the waiver and transfer of Juvenile Accountability Incentive Block Grant funding and disbursement of matching City funds (\$1,315) (PD)

Res. E-16 Adopt resolution authorizing the City of Lodi to participate in an office supplies contract through the U.S. Communities Government Purchasing Alliance (FIN)

E-17 Authorize the Treasurer and Revenue Manager to enter into agreements with the Farmers and Merchants Bank of Central California for the issuance of a City credit card for City Attorney, D. Stephen Schwabauer, and Finance Director, James R. Krueger (FIN)

E-18 Set public hearing for July 21, 2004, to consider adoption of the Transit Division's fiscal year 2002-03 program of projects (PW)

E-19 Set public hearing for August 18, 2004, to receive comments on and consider accepting the City of Lodi's Public Health Goals Report (PW)

- Res. E-20 Adopt Resolution of Preliminary Determination and Resolution of Intention to annex Legacy
Res. Estates I, Legacy Estates II, and Kirst Estates Zone 5 and The Villas Zone 6 to Lodi
Res. Consolidated Landscape Maintenance District No. 2003-1; set public hearing and deadline for
Res. receipt of ballots for September 1, 2004; and adopt resolutions authorizing the City Manager to
execute professional services agreement task orders with Timothy J. Hachman, attorney at law
(\$6,500), and Thompson-Hysell Engineers, a Division of the Keith Companies, Inc. (\$9,500), for
services required in support of the annexation (PW)
- Res. E-21 Adopt resolution approving cost of living increases for Confidential employees (HR)

F. Comments by the public on non-agenda items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

G. Public Hearings – None

H. Communications

- H-1 Claims filed against the City of Lodi – None
H-2 Reports: Boards/Commissions/Task Forces/Committees – None
H-3 Appointments – None
H-4 Miscellaneous – None

I. Regular Calendar

- Res. I-1 Adopt resolution approving the Impact Mitigation Fee Program Annual Report for fiscal year
2002-03 (PW)
I-2 Continued discussion regarding draft fiscal year 2004-05 Financial Plan and Budget (CM)

J. Ordinances – None

K. Comments by the City Council Members on non-agenda items

L. Comments by the City Manager on non-agenda items

M. Adjournment

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

Susan J. Blackston
City Clerk